

However, as demonstrated in the attached copy of a request for recalculation of patent term adjustment, under the proper interpretation of 35 USC 154(b)(2)(A), Applicants are also entitled a B delay. The total of the patent term adjustment should have been 785 days. It was not until the United States Patent & Trademark Office announced that it would not appeal the Federal Circuit decision that the proper interpretation of 35 U.S.C. 154(b)(2)(A) was established. Therefore, Applicants are filing this petition and request for reconsideration within two months

from the Federal Circuit decision, and petition the Commissioner to consider Applicants' request for recalculation of the patent term adjustment for the above-referenced patent.

It is the Applicants' understanding that no fee is required for this petition. However, if any fee is required and is otherwise absent, please charge any deficiency to Deposit Account No. 50/2762, referencing Attorney Docket No.: M2051-701421.

Respectfully submitted,
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